

REMARKS

With the amendments, claims 18-23 and 36-44 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

New claims 36-44 are supported by the disclosure in paragraphs 10, 11, and 30-34 of the specification.

New claims 36-44 are directed to a method in which the refinish basecoat intermix system of the elected claims is used to prepare a refinish basecoat composition that is used in refinishing a substrate. The process, as claimed, cannot be practiced with another product, as it requires the use of the refinish basecoat intermix system of claim 18. The product as claimed cannot be used in a different process, as it is designed for making refinish basecoat compositions. Applicants note that improper and specious uses, such as improper formulation from components of the intermix system, using the components to start a fire, or to poison rats, may exist, but do not show distinctness.

Applicants note that no rejection is outstanding against claim 19. Presumably, claim 19 is objected to for being dependent on rejected claim 18.

Restriction Requirement

Claims 24-32 have been cancelled.

Rejection for Under 35 U.S.C. § 102(b) over Jouck et al.

Claims 18 and 20-23 have been rejected under section 102(b) as anticipated by the Jouck patent, U.S. 5,322,715. Applicants respectfully traverse the rejection and request reconsideration of the claims.

The Jouck patent emulsion polymer, as pointed out in the Office Action, has Mn higher than 200,000. The Jouck patent, therefore, does not anticipate any of the presently pending claims, all of which recite an acrylic polymer having a number average up to about 30,000. See Jouck, column 6, line 62.

The claims are not anticipated by the Jouck patent for the further reason that the Jouck patent does not disclose an intermix system having the components (a) and (b) as claimed, wherein the color components (a) are so related to produce refinish basecoats of any desired color.

Claim 20 is not anticipated by the Jouck patent for the further reason that the Jouck patent does not disclose an intermix system that further comprises a component containing a crosslinker reactive with the hydroxyl-functional acrylic polymer.

Claim 21 is not anticipated by the Jouck patent for the further reason that the Jouck patent does not disclose an intermix system in which the color components include the hydroxyl functional acrylic polymer.

Claim 22 is not anticipated by the Jouck patent for the further reason that the Jouck patent does not disclose an intermix system in which one color component comprises carbon black pigment dispersed by the hydroxyl functional acrylic polymer.

Claim 23 is not anticipated by the Jouck patent for the further reason that the Jouck patent does not disclose an intermix system in which one color component comprises carbon black pigment dispersed by an hydroxyl functional acrylic polymer having amine functionality.

None of the rejected claims are anticipated by the Jouck patent. Accordingly, Applicants respectfully request withdrawal of this rejection and reconsideration and allowance of the claims.

Rejection for Under 35 U.S.C. § 103(a) over Jouck et al.

Claims 18 and 20-23 have been rejected under section 103(a) as obvious over the Jouck patent, U.S. 5,322,715. Applicants respectfully traverse the rejection and request reconsideration of the claims.

The Jouck patent teaches using an emulsion polymer having Mn of 200,000 to 2,000,000, preferably 300,000 to 1,500,000. Jouck, column 6, line 62. The Jouck patent, therefore, does not suggest any of the presently pending claims, all of which recite an acrylic polymer having a number average up to about 30,000.

The claims are also patentable over the Jouck patent because the Jouck patent does not mention or suggest an intermix system having the components (a) and (b) as claimed, wherein the color components (a) are so related to produce refinish basecoats of any desired color. The Jouck patent describes only coating compositions; intermix systems are neither mentioned nor suggested.

Claim 20 is patentable over the Jouck patent for the additional reason that the Jouck patent does not mention or suggest an intermix system that further comprises a

component containing a crosslinker reactive with the hydroxyl-functional acrylic polymer. Not only does the Jouck patent not mention or suggest intermix systems, it does not suggest any arrangement in which one component contains the acrylic polymer and a separate component contains a crosslinker reactive with the acrylic polymer.

Claim 21 is patentable over the Jouck patent for the further reason that the Jouck patent does not mention or suggest an intermix system in which the color components include the hydroxyl functional acrylic polymer. The Jouck system does not describe dispersing the pigments in its acrylic polymer, but rather uses other resins or solvent slurry methods, as discussed above.

Claim 22 is patentable over the Jouck patent for the further reason that the Jouck patent does not mention or suggest an intermix system in which one color component comprises carbon black pigment dispersed by the hydroxyl functional acrylic polymer. As already discussed, the Jouck system does not describe dispersing the pigments in its acrylic polymer, but rather uses other resins or solvent slurry methods. The present invention provides an unexpected improvement in color development of carbon black pigment dispersed in the present acrylic polymer. Neither the dispersion generally nor the improved color development of carbon black pigment is contemplated or suggested by the Jouck patent.

Claim 23 is patentable over the Jouck patent for the further reason that the Jouck patent does not mention or suggest an intermix system in which one color component comprises carbon black pigment dispersed by an hydroxyl functional acrylic polymer having amine functionality. In addition to the shortcomings of the reference described

with respect to claim 22, the Jouck patent also does not mention or suggest incorporating amine functionality into the acrylic polymer.

All of the rejected claims are patentable over the Jouck patent. Accordingly, Applicants respectfully request withdrawal of this rejection and reconsideration and allowance of the claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Reply is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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March 30, 2004
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Serial No.09/886,742

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